

This listing of claims will replace all prior versions, and listings, of claims in the application.

### **Listing of Claims**

Claim 1. (Currently Amended)] A method of delivering media to consumers comprising the steps of:

(a) providing media consumers with real-time, fully-controllable media streams on a personal media device by transmitting a request from the personal media device over a network to a server, and then automatically supplying a stream of media related to the request to the personal media device [total choice of selection and total control over playback through a personal media device];

(b) profiling consumers in real-time and automatically storing [the] profiled data in a data warehouse as said request from the personal media device is transmitted, providing continuous feedback to media suppliers and advertisers, the continuous feedback including information as to consumer behavior and interest related to the media being provided to the consumers;

(c) providing media suppliers with a targeting system that directs messages or media products to, and provides reporting on, a particular consumer group, the targeting system being operable to introduce, in real-time, supplier-selected media to targeted consumers through the server and on to the personal media device, consumer response data is automatically collected and sent back to the server and then on to the media suppliers, media suppliers review said data to ascertain in real-time how the consumer group reacted to the selected media and thereby identify markets for the media; and

(d) providing media suppliers with [revenue streams and] operational efficiency through use of the targeting system.

Claim 2. (Original) The method of delivering media as claimed in claim 1, whereby the consumer pays no fee to use the system.

Claim 3. (Original) The method of delivering media to consumers as claimed in claim 1, further comprising the step of charging consumers a fee to use the system.

Claim 4. (Currently Amended) The method of delivering media to consumers as claimed in claim 1, wherein the step of providing real-time, fully-controllable media streams on a personal media device [total choice and control through a personal media device] includes automatically providing a consumer with media that is of interest to the consumer and expanding the consumer's profile of preferred media and saving said profile stored in a data warehouse.

Claim 5. (Original) The method as claimed in claim 1, wherein the personal media device is operable to function when disconnected from the system and to continue in a limited manner.

Claim 6 (Currently Amended) The method of delivering media to consumers as claimed in claim 1, wherein the step of profiling consumers includes on a real-time basis automatically storing data in response to predetermined consumer interactions with the system, without requiring the consumer to be aware that their responses are being monitored.

Claim 7. (Original) The method of delivering media to consumers as claimed in claim 1, further comprising the step of processing the data stored in the data warehouse to generate reports.

Claim 8. (Original) The method of delivering media to consumers as claimed in claim 1, wherein media suppliers interface with the data warehouse and generate reports about consumer preferences for media.

Claim 9. (Original) The method claimed in claim 1, further comprising the step of the media supplier conducting market testing on a group of consumers through a personal media device.

Claim 10. (Original) The method of delivering media to consumers as claimed in claim 1, further comprising the step of the media supplier targeting products the consumer may be interested in purchasing and automatically providing information about the products to the consumer directly through the personal media device.

Claim 11. (Original) The method as claimed in claim 1, further comprising the step of providing the consumer with a means for purchasing the products directly through the personal media device.

Claim 12. (Currently Amended) The method of delivering media to consumers as claimed in claim 1, wherein the step of providing media consumers with real-time, fully-controllable media streams on a personal media device [choice and control through a personal media device] includes providing consumers with the option of selecting based on metadata.

Claim 13. (Currently Amended) The method of delivering media to consumers as claimed in claim 1, wherein the step of providing media consumers with real-time, fully-controllable media streams on a personal media device [choice and control through a personal media device] includes providing consumers with the option of selecting news or events related to the selected media.

Claim 14. (Currently Amended) The method of delivering media to consumers as claimed in claim 1, wherein the step of providing media consumers with real-time, fully-controllable media streams on a personal media device [choice and control through a personal media device] includes providing consumers with the option of selecting merchandise related to the selected media and then providing a means for the consumer to automatically purchase the merchandise.

Claim 15. (Currently Amended) The method of delivering media to consumers as claimed in claim 1, wherein the step of providing media consumers with real-time, fully-controllable media streams on a personal media device [choice and control through a personal media device] includes providing the consumer with the option of creating, updating and organizing lists of favorite media.

Claim 16. (Currently Amended) The method of delivering media to consumers as claimed in claim 1, wherein the step of providing media consumers with real-time fully-controllable media streams on a personal media device [choice and control through a

personal media device] includes providing the consumer with a [message board] messaging system that is operable to allow the consumer to communicate with other consumers that are on the system and further allow the consumer to transmit personally suggested media to fellow users on the system.

Claim 17. (Original) The method as claimed in claim 1, wherein the media includes any multimedia product.

Claim 18. (Currently Amended) The method as claimed in claim 1, wherein the media is [fully] streamed with high quality and in full to a personal media device from a personal media services server.

Claim 19. (Original) The method as claimed in claim 1, wherein the media is streamed to a personal media device from the combined resources of a personal media services server and from a partial copy of the media locally stored on the personal media device.

Claim 20. (Original) The method as claimed in claim 1, wherein the media can be streamed to a personal media device from a full copy of the media locally stored on the personal media device.

Claim 21. (Original) The method of delivering media to consumers as claimed in claim 1, wherein the media supplier provides content, metadata and digital rights information.

Claim 22. (Original) The method as claimed in claim 1, wherein the media can be protected by a digital rights management system.

Claim 23. (Currently Amended) A method of making media [music] accessible to consumers on a personal media device comprising the steps of:

providing media consumers with on-demand streaming media over the internet to a personal media device, [giving music listeners total choice of selection and total control over playback of the music through a personal media device];

automatically profiling [music listeners] the media consumer and automatically storing [[the]] profiled data, said profiled data is manipulated and reported to media suppliers on a real-time basis to provide instant feedback to media suppliers on consumers' reactions to said streaming media;

providing media suppliers with a targeting system that directs messages or products to, and provides reporting on, a particular consumer group, the targeting system including a media partner submitting media over a network to a management server, the media being directed through a database where it communicates with a personal media services server, and then directs the media through a network where it is played for the consumer on the personal media device, indicia about the media consumer's response to said media is then transmitted back to the media supplier [; and

providing media suppliers with operational efficiency opportunities through the targeting system].

Claim 24. (Original) A media system comprising:

a management server system that includes a media management server, a message management server, a channel management server, and a catalog management server, each management server being operable to be maintained by a supplier;

a database for each management server connected to the management server system, the database houses information for each supplier;

a personal media services server that is in communication with each database;

a data warehouse in communication with the personal media services server;

a tracking database in communication with the personal media services server;

an interface between the personal media services server and a personal media device for transmitting media to a consumer;

personal media device having an output means for a consumer to observe the received media.

Claim 25. (Original) The media system as claimed in claim 24, further comprising a targeting and reporting function that communicates with the personal media services server.

Claim 26 (Original) The media system as claimed in claim 24, further comprising a means for generating reports from the databases or data warehouses.

Claim 27 (Original) The media system as claimed in claim 24, wherein the personal media device is comprised of a consumer interface by which data to the personal media service server can be transmitted and received and the personal media device further includes media playback capabilities.

Claim 28 (Original) The media system as claimed in claim 24, wherein the interface between the personal media services server and a personal media device is a wireless network.

Claim 29 (Original) The media system as claimed in claim 24, wherein the interface between the personal media services server and a personal media device is a data network such as the internet.

Claim 30 (Original) The media system as claimed in claim 24, further comprising a subscriber database that is in communication with the personal media services server.

Claim 31. (Currently Amended) A media system that allows a consumer to select desired media and to have it delivered on a real-time basis [have total choice and control over the media] comprising;

a data center containing product databases, tracking and subscriber databases, and a data warehouse for storing media;

a supplier system for maintaining the product databases, the supplier system including management servers that are operable to introduce new media on a real-time basis into the media system and be directed to consumers interested in one or more aspects of that media;

a consumer media device that is operable to exchange data from the data center by interacting with the product databases through a personal media services server, whereby consumers providing behavioral and preferential feedback to the tracking and subscriber databases which in turn updates the data warehouses; and

a targeting and reporting function for providing information to the supplier system.